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4 E-FILED on 9/7/06  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

12 MICHAEL ARIKAT AND PASIMA  
13 ARIKAT,  
14 Plaintiffs,

15 v.  
16 JP MORGAN CHASE & CO.; LOWE'S HIW,  
17 INC.; MACY'S DEPARTMENT STORES,  
18 INC.; MBNA MARKETING SYSTEMS, INC.;  
19 MIDCOAST CREDIT CORP.; DISCOVER  
20 FINANCIAL SERVICES, INC.; HOME  
DEPOT U.S.A., INC.; SEARS, ROEBUCK  
AND CO.; WELLS FARGO FINANCIAL  
CALIFORNIA, INC.; FAIR ISAAC  
CORPORATION; TRANS UNION LLC;  
EQUIFAX INC.; EXPERIAN SERVICES  
CORP.

21 Defendants.  
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23 No. C-06-00330 RMW  
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26 ORDER REGARDING PLAINTIFFS'  
27 SEPTEMBER 4, 2006 *EX PARTE*  
28 APPLICATION TO CONTINUE HEARING

[Re Docket No. 130]

29 Plaintiffs seek by *ex parte* application to continue the hearing date for motions to dismiss  
30 filed by six of the named defendants<sup>1</sup> currently set for September 8, 2006. Plaintiffs merely seeks  
31 continuance for "at least a week" and does not suggest any alternative dates. In addition, it is clear  
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38 <sup>1</sup> Defendants Home Depot U.S.A., Inc.; Sears, Roebuck and Co.; Fair Isaac  
Corporation; Macy's Department Stores, Inc., Lowe's HIW, Inc.; and Discover Financial Services,  
Inc.

1 that the parties have not conferred regarding a mutually suitable alternative date.<sup>2</sup> Defendant Trans  
2 Union LLC's motion to dismiss plaintiffs' First Amended Complaint is currently noticed and set for  
3 October 6, 2006.

4 The court hereby sets the new hearing date for defendants Home Depot, Sears, Fair Isaac,  
5 Macy's, Lowe's, and Discover's motions to dismiss for October 6, 2006. The court assumes that the  
6 October 6, 2006 motion hearing date has been cleared at least as to plaintiffs (and Trans Union).  
7 The court will not continue the motion hearing date again absent a mutually agreed upon date by the  
8 parties.

10 DATED: 9/6/06

*Ronald M. Whyte*  
RONALD M. WHYTE  
United States District Judge

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22 **Dated:**

23 9/7/06

24 **SPT**  
25 **Chambers of Judge Whyte**